IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6774 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AJABSINH DUNGARSINH CHAUHAN

Versus

STATE OF GUJARAT

Appearance:

MR ANIL C THAKORE for Petitioner

M/S PATEL ADVOCATES for Respondent No. 1

RULE SERVED for Respondent No. 2, 3, 4, 5

MR DIGAN JOSHI for Respondent State

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 16/03/2000

ORAL JUDGEMENT

#. Mr.Anil.C.Thakore, learned counsel for the

petitioner. Mr.Digant Joshi, learned A.G.P. for the respondent State.

#. In this matter rule was issued on 24.11.99 making it returnable on 23.12.99. Today matter is taken up for final hearing with the consent of both the parties. The grievance of the petitioner is that the petitioner was appointed as work charge pump operator and he continued till today as work charge pump operator. Petitioner made a representation in the year 1984 which was considered favourably by the authority and the petitioner was replied by a letter dtd.20.9.85 which is at Annexure-E page 18, wherein the Superintending Engineer - respondent no.2 issued necessary direction to the Executive Engineer (R & B) - respondent no.3 to appoint the petitioner as work charge plumber taking into consideration the vast experience of the petitioner. The same is not carried out and hence the petitioner was again constrained to approach the respondent no.2 who again issued necessary direction to respondent no.3 by letter dtd.6.1.87 which is at Annexure-F. For the reasons best known to the respondent no.3 the aforesaid two directions were not complied by the respondent no.3. The petitioner once again made a representation to the authority which is not replied and therefore the petitioner is constrained to approach this court.

#. Looking to the facts and circumstances of the case and looking to the aforesaid two Annexures E and F there is no reason why the petitioner should not get the relief as prayed for. The respondent no.3 should have complied with the direction issued to him by the Superintending Engineer. In this view of the matter, respondent no.3 is directed to consider the case of the petitioner and pass the appropriate order taking into consideration the directions issued by the office of the Superintending Engineer within six weeks from the date of receipt of this order. With this direction the petition stands allowed. Rule made absolute with no order as to costs. Direct service is permitted.

kks